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By: [Signature] Date: October 27, 2003
Edward C. Meagher

PATENT
Docket No. 2089CON2 (203-2413CON2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : THOMAS PATRICK RYAN
TITLE : **APPARATUS AND METHOD FOR SEALING AND CUTTING TISSUE**

SERIAL NO. : 09/992,301

FILED : November 14, 2001

PARENT
EXAMINER : GLENN DAWSON

FAX RECEIVED

OCT 27 2003

PETITIONS OFFICE

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Upon cursory review of the above referenced file, Applicant notes that this application was improperly abandoned by the Patent and Trademark Office.

More particularly, Applicant received a Notice of Abandonment on May 6, 2003 for failure to reply to a Notice of Omitted Items received on December 6, 2001. Applicant respectfully submits that the mailing of the Notice of Abandonment was improper for two

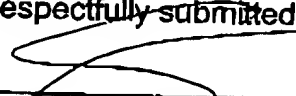
reasons: 1) Applicant was not required to respond to the Notice of Omitted Items mailed December 6, 2001; and 2) even though a response to the Notice of Omitted Items was not required, Applicant timely filed a response to the Notice of Omitted Items and Petition on February 6, 2002 which was acknowledged as being received by the Patent and Trademark Office as timely (see Petition mailed August 23, 2002).

In view of the foregoing, Applicant respectfully requests the following:

- 1) that the Notice of Abandonment be withdrawn and the present Application be reinstated for prosecution on the merits;
- 2) that Applicant's submissions filed on February 15, 2002, March 20, 2002, October 8, 2002, October 24, 2002, December 13, 2002, and May 20, 2003 be entered into the file history for review by the Examiner; and
- 3) that Applicant receive a full refund in the amount of \$1,300.00 for Applicant's Petition for Revival of an Application for Patent Abandoned Unintentionally filed on August 12, 2003.

If the Commissioner requires any additional information or supporting documentation in order to respond to Applicant's request, the Commissioner is respectfully invited to contact Applicant's attorney of record at the phone number set forth below at his earliest convenience.

Respectfully submitted,



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